

ties and responsibilities it imposes, merely because there may be some want of congeniality in their tempers and dispositions. Public policy and morality alike condemn these partial dissolutions of the matrimonial union. It is, says an eminent judge, throwing the parties back upon society, "in the undefined and dangerous characters of a wife without a husband, and a husband without a wife," and to justify the court in doing so, reasons of a grave and weighty nature should exist. I do not think the present case is marked by those features, which, looking to the policy by which courts are governed upon a subject of so much delicacy, should induce me to decree a separation. Our statute, unlike that of New York, would compel me, if I interfere at all, to separate these parties permanently, and not for a limited time. There, the decree may be for a limited period, or forever, as under the circumstances may seem just and reasonable. With us, as the decree must place a perpetual barrier between the husband and wife, the causes which should lead to it ought to be more urgent and imperative, than if by a temporary separation, opportunity would be given for reconciliation, a consideration, says Chancellor Kent, of more weight "if the unhappy parties have a common offspring, to be effected by their infirmities." And in this case, it appears, such offspring does exist, whose life may be embittered by the unhappy dissensions of the parents.

It is, thereupon, and for these reasons, this 29th day of April, 1851, by John Johnson, Chancellor, and by the authority of this court, adjudged, ordered and decreed, that the bill of complaint, filed in this case, be and the same is hereby dismissed, but without costs.

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WM. J. WARD, for Petitioner.

JOHN H. ING, for Defendant.